

**ADULT FOSTER CARE LICENSING ADVISORY COUNCIL
MEETING MINUTES**

May 17, 2007

MEMBERS PRESENT

Andrew Farmer, Cynthia Farrell, Sandra Kilde, Linda Lawther, Patricia MacKinnon (by telephone), Lauren Swanson

MEMBERS ABSENT

Ellen Sugrue Hyman, Phillip Lancaster, Michelle Mull

ABSENT MEMBERS REPRESENTED

Kathleen Murphy represented by Bob Stein
David Verseput represented by Jon Ferguson

PUBLIC/STAFF ATTENDEE

None

ADULT FOSTER CARE/HOME FOR THE AGED LICENSING STAFF

Deborah Wood, Division Director,
Vicki Davison, Licensing Consultant
Maureen Fisher, Licensing Consultant
Jack Failla, Area Manager
Mary Holton, Licensing Consultant
Tom McWhorter, Program Specialist
Betsy Montgomery, Area Manager
Diane Stier, Licensing Consultant

The Chairperson and Vice Chairperson were absent. Lauren Swanson made a motion to amend the Bylaws to read if neither the Chairperson nor Vice Chairperson is present, the Council will appoint someone to chair the meeting. Seconded by Sandra Kilde. Motion passed.

Linda Lawther made a motion that Sandra Kilde chair the May 17th meeting due to the absence of the Chairperson and Vice Chairperson. Seconded by Andy Farmer. Motion passed.

Approval of Minutes - February 15, 2007

Andy Farmer made a motion to approve minutes as prepared. Lauren Swanson seconded the motion.

Approval of Agenda

MI Waiver Renewal was added under "9. Other"

Review Council Roster and Bylaws

Error under Cynthia Farrell. Change FIA to DHS.

Motion made earlier in the meeting to modify Rule 3 to include delegation to chair meeting as follows:

3. The Chairperson shall preside over all meetings and in his/her absence the Vice Chairperson shall preside. If neither the Chairperson nor Vice Chairperson is present, the Council will delegate a member to preside over the meeting.

In accordance with discussion at the February 15, 2007 meeting to add language to the Bylaws to include committee structure, Andy Farmer, Linda Lawther and Phil Lancaster presented the following draft language:

9. The Council may establish committees and request public participation on workgroups as the Council deems necessary. The Council may also adopt, reject, or modify any recommendations proposed by a committee or a workgroup.

The above was approved and will become Rule 9 and the current Rule 9 will become Rule 10.

The Bylaws with the above additions will be forwarded prior to the next meeting for review and then discussed and voted on at the next meeting.

Division/Bureau Updates

Deborah presented an updated coverage map and list reflecting a change of coverage in Clinton, Jackson and Monroe counties. These changes were made to equalize workloads due to one consultant retiring and 4 consultants on extended medical leave.

Two new consultants were hired in February, Edna Albert in Grand Rapids and Ardra Hunter in Detroit.

Deborah gave an update on new budget constraints:

- The Division looked at printed forms to determine which forms the Division can stop printing and only put on the website as a cost saving measure. Most adult foster care forms are going to be on line only. Forms in stock will be used until depleted. All AFC publications will continue to be printed; i.e., statute, rules, GMC. Medical Clearances and Record Clearances will also continue to be printed.
- Other budget constraints include requirement that staff use state vehicles if available and if travel is more than 200 miles. Area Managers will utilize teleconferences for staff meetings. All meetings will be reviewed before being approved. The AFC Policy Committee and Cooperative Quality Assurance Workgroups have been approved as they are priorities and vital to the mission of the Division.

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Deborah gave an update of Departmental administrative changes that have occurred. Deputy Director Musette Michael was appointed Executive Director of the Michigan Community Service Commission. OCAL's Director, Jim Gale previously reported to Ms. Michael now reports directly to Marianne Udow. Luttrell Livingston was appointed Director of Legal Affairs to replace Musette Michael and Kathryn O'Grady was appointed Deputy Director of the Office of Adult and Children's Policy, that would include Cynthia Farrell's unit.

Enforcement Issues - Disciplinary Actions

Deborah provided handouts of the Division's activity statistics for 10/1/06 - 4/30/07 for review. The statistics show a continued increase in the number of facilities reflecting a likewise increase in the number of licensed beds.

Deborah said the renewals overdue increased because the Division continues to focus primarily on the timely completion of complaint investigations.

The Special Investigation Performance Activity statistics show the complaint intake fairly steady with a spike in March. 95% of the complaints are initiated within 24 hours. Open special investigations at end of report month have decreased which is a reflection of staff giving complaints priority.

Background Check Update

Deborah gave a brief overview of statistical information on the Background Check Program year to date as of 5-16-07. A handout of the Michigan Long Term Care Background Check Summary Report, Michigan Program for Background Checks System Statistics by Facility Group Report for new

applicants and exempt applicants were provided to the Council. 49,946 employees were entered on the Long Term Care Background Check website for DHS.

Deborah reported that in April OCAL's 2 background check analysts trained 48 AFC/HFA staff and licensees on the background check statutory requirements and navigation of the website using a Power Point presentation. This training will be repeated in Detroit on June 19th and 20th. Training will take place in the Upper Peninsula on July 10th. Additional trainings will be scheduled as resources allow. Deborah said there are plans to eventually hold one training a month in Lansing for new licensees.

Fingerprint requirements for exempt employees (hired before 4/01/06) were discontinued due to budget constraints.

Deborah reported that Abt Associates contracted by CMS (Centers for Medicaid/Medicare Services) to assess all 7 grant states' background check pilot projects met with her, Tom, analysts, licensees, trade associations, MSU, Michigan State Police, DCH and OSA/AANP. They will make a recommendation to CMS after they assess all states. Their recommendation to CMS will address how to make background checks a national requirement; what model or models should be used; suggested funding sources.

Enforcement Issues - Disciplinary Actions

The Council previously requested information regarding rules violated and action taken. Notice of Intent Log for February through May was provided to the Council to give them an idea of rule violations and actions taken.

Legislative Issues

Deborah reported HB 4157 and HB 4284 were both introduced in February. HB 4157 would require notification of next of kin, county medical examiner and other when a patient dies in a nursing home or a home for the aged.

HB 4284 provides for medical service coverage in adult foster care facilities; would require amendment to 218 to allow some provision and/or definition of "continuous nursing care."

Lauren and Sandra suggested that Council members look at HB 4284 and put on the agenda for the next Council meeting.

Lauren asked about Council protocol on taking position on legislation. Deborah provided that Act 218, Sec. 8 (2) reads in part . . . *The council shall advise the department on the content of rules and their enforcement.*"

Andy Farmer said he was glad Deborah brought the bills to the Council's attention because it relates to MI Choice Waiver Renewal.

Sandy suggested that the Council move to Agenda Item 9. MI Waiver Renewal for discussion.

The Council discussed the MI Choice Waiver Renewal request as it related to the inclusion of licensed facilities. Andy said the LTC Taskforce is supporting a request for Medicaid funds to be available for health care services to residents in licensed facilities in Michigan. This is not part of the renewal but it could be done as an amendment. Andy said if consumers are suppose to have a choice in long-term care, why not have a choice of a licensed residential facility as well as nursing homes.

Bob agreed that the MI Choice Waiver is about choice and Michigan Assisted Living Association is supportive of Medicaid funds being available for health care services to residents in licensed facilities.

The Council discussed whether it would increase cost to the State. Sandy said the State is mandated to pay for residents in a nursing home. They do not have to pay if the person moves to another licensed setting.

Andy said the Michigan Long Term Care Advisory Commission Meets on May 21st from 1 - 4:30 p.m. There are 4 sections to the agenda. Public section of the meeting is at 1:30 p.m. Andy said he wanted the Council to know what the LTC Commission is doing and is hopeful the AFC Licensing Advisory Council and the LTC Commission will work together.

Cooperative Quality Assurance Workgroup Report

The Council was provided the AFC & HFA Plan to Implement Cooperative Quality Assurance that was prepared for Jim Gale and included in the Budget testimony. The Cooperative Quality Assurance Workgroup is in the Department's Strategic Plan and is a priority for the Department.

Deborah gave an update of the Cooperative Quality Assurance Workgroup (CQA). The CQA developed a Notice of Finding process, which became effective 2/1/07. A Notice of Finding is an alternative licensing response when a rule violation/noncompliance is substantiated. Deborah said it is simply a different method of documenting and notifying a licensee of a violation. Notice of Findings are only given for violations that:

- Would not result in more than minimal harm to residents
- Would not have the potential for more than minimal harm to residents
- Does not indicate a breakdown in a facility's systems, and
- Does not reflect a lack of administrative capability.

Area Managers have been collecting copies of notice of findings issued and reviewing them at Management Meetings to monitor consistency of enforcement across the state.

A public feedback email address has also been made available for input from licensees on OCAL's website.

OCAL staff that was present at the Council meeting commented on the Notice of Finding Process. Diane Stier, AFC consultant said she has used notice of findings, which is useful when there are minor violations that can be corrected at the time of the inspection.

Deborah said that 3 subcommittees have been formed:

1. Feedback Forms Subcommittee -- to create questionnaires or feedback forms to keep lines of communication open between the Division, AFC/HFA residents, family members/guardians, responsible agencies and the licensee.
2. Focused Onsite Subcommittee - look at minimum standards to be met to qualify for the focused onsite inspection and how the focused onsite inspection will be conducted.
3. Rule Compliance Self-Assessment Subcommittee (originally called the Internal Quality Assurance) - create onsite inspection check sheets.

Betsy Montgomery gave a summary of the Feedback/forms Subcommittee's purpose and presented the questionnaires created and approved by the Cooperative Quality Assurance Workgroup.

Betsy said the subcommittee submitted a plan to add feedback forms in "Contact Us" on OCAL's website for the community to provide and the Division to receive feedback.

Betsy reviewed the feedback form designed for anyone to use anytime for anything other than a complaint. When the form is completed they will receive an automatic response and the completed form will be routed to the consultant

The Onsite Inspection Questionnaire is to be completed by the licensee. On the website, the licensee must choose either a standard renewal inspection or focused onsite renewal inspection was conducted. They will be directed to complete the questionnaire that applies to the type of renewal inspection completed. There will be a space for the consultant's name on the standard inspection questionnaire. The facility name will be optional. Completion of the questionnaire is a condition of participation in a focused onsite inspection where the name of the facility will be required.

Deborah summarized the Focused Onsite Subcommittee's work. She said the subcommittee set minimum standards to be met to qualify for the focused onsite inspection, which are:

During the last 2 renewals periods the facility has had:

1. No violations or no more than Notice of Finding type of violation, and
2. Fire safety approval or approval until next onsite with no more than NOF type of violations, and
3. Environmental Health Approval with no more than NOF type of violation, and
4. Residents present at time of focused onsite inspection, and
5. Completion of rule compliance self-assessment, able to produce documentation of self-assessment, and CAP to OCAL prior to onsite inspection.

In order for a licensee to qualify for a focused onsite inspection the facility would use the same worksheet as consultants to complete a self-assessment of compliance with the rules and write a corrective action plan for any violations found. The self-assessment and corrective action plan must be submitted to the consultant 30 days prior to the onsite renewal inspection. During the inspection, the consultant will randomly select samples to assure the corrective action plan has been implemented. If not corrected, it will be cited as a rule violation.

Jack Failla, OCAL Area Manager provided a draft letter to be mailed to all licensees introducing the focused onsite renewal inspections, rule compliance self-assessment, and the feedback questionnaires. Jack said the real benefit of the letter is to explain qualifying events.

Cynthia Farrell and Jon Ferguson said their agency could send the general letter to Adult Services staff in the county DHS offices and to CMH agencies.

Diane Stier, OCAL Consultant provided a draft letter to the selected Licensee/Licensee Designee/Authorized Representative. The letter tells them they are eligible for the focused onsite renewal inspection and explains the process. A letter for the resident telling them about the inspection and requesting their participation will be included for the licensee to copy and give to each resident.

Linda Lawther wanted the Council to know that the Cooperative Quality Assurance Workgroup met prior to the Council meeting to review the subcommittee's work and documents, and quickly made edits.

Deborah said the Focused Onsite Subcommittee is looking at the Wisconsin Model and setting up step-by-step what will happen at the focused onsite inspection. Core areas staff will focus on include:

- Fire Safety
- Look at paperwork as brought up by observations and interview
- Followup on self-assessment
- Observe medication pass if possible or ask staff person to explain how it is done.
- Observe mealtime, or interview residents about meals
- General walk thru of facility.
- Observation and interview of residents and staff

Deborah said AFC/HFA staff and licensees will receive training for the focused onsite inspection probably in September.

Meeting adjourned.

NEXT MEETING

August 16, 2007

AFC Council 1 - 2:30 p.m.

Cooperative Quality Assurance 2:30 - 4:30 p.m.

7109 W. Saginaw, 2nd Floor Conference Room